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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

C08 0978 JLR

BRENDAN DUNN, JACOB ERWIN,
and RYAN TOMPKINS,

Plaintiffs,

v.

MATTHEW HYRA individually and in
his Official capacity as an OFFICER
of the SEATTLE POLICE
DEPARTMENT, and JANE DOE
HYRA and the Marital Community
thereof; CITY OF SEATTLE (SPD),
STEVEN BALE, individually and in
his capacity as an OFFICER of the
SEATTLE POLICE DEPARTMENT
and JANE DOE BALE, and the
marital community thereof; JOHN
SKOMMESA, individually and in his
Official capacity as an OFFICER of
the SEATTLE POLICE DEPARTMENT,
and JANE DOE SKOMMESA and the
Marital community thereof; D. L.
ROBERSON individually and in his
Official Capacity as an OFFICER
of the SEATTLE POLICE
DEPARTMENT, and JANE DOE

) NO.
) COMPLAINT FOR VIOLATIONS OF
) CIVIL RIGHTS, FALSE ARREST, FALSE
) IMPRISONMENT, MALICIOUS
) PROSECUTION, BATTERY, ASSAULT,
) INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS, NEGLIGENCE

) JURY TRIAL DEMANDED



08-CV-00978-CMP

DUNN, ET AL V. HYRA, ET AL-COMPLAINT

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ATTORNEY FOR PLAINTIFFS

IFP App. No Summons Iss.

1 ROBERSON and the Marital)
2 community thereof; OFFICER AVERY,))
3 individually and in his capacity as an)
4 OFFICER of the SEATTLE POLICE)
5 DEPARTMENT and JANE DOE)
6 AVERY and the Marital Community)
7 thereof; OFFICER GREELEY,)
8 individually and in his capacity as an)
9 OFFICER of the SEATTLE POLICE)
10 DEPARTMENT and JANE DOE)
11 GREELEY and the Marital Community)
12 thereof; SERGEANT MARTIN,)
13 individually and in his capacity as a)
14 SERGEANT of the SEATTLE POLICE)
15 DEPARTMENT and JANE DOE)
16 MARTIN and the Marital Community)
17 thereof; LIEUTENANT HAYES,)
18 individually and in his capacity as a)
19 LIEUTENANT of the SEATTLE)
20 POLICE DEPARTMENT and JANE)
21 DOE HAYES and the Marital)
22 Community thereof; R. TOWNE,)
23 individually and in his capacity as a)
24 LIEUTENANT of the SEATTLE)
25 POLICE DEPARTMENT and JANE)
26 DOE TOWNE and the Marital)
27 Community thereof; DOES 1-250,)
28)
29 Defendants.)
30 _____)
31)

32 BRENDAN DUNN, JACOB ERWIN, and RYAN TOMPKINS the Plaintiffs herein, by
33 and through their attorney, allege as follows:

34
35
36
37

I. JURISDICTION

DUNN, ET AL V. HYRA, ET AL-COMPLAINT

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1. This court has jurisdiction over the subject matter of this action pursuant to Title 28, United States Code Sections 1331, 1332, 1343, and 1367, and venue is properly set in the Western District Federal Court pursuant to 28 U.S.C. 1391.

2. The claims upon which this suit is based occurred in this judicial district.

3. Plaintiff is informed and believes, and on that basis alleges, that each of the named Defendants reside in this judicial district.

II. PARTIES

1.1 Plaintiff BRENDAN DUNN is a single man residing primarily in the State of Washington, in THURSTON County within the Western District of Washington.

Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious prosecution, based on the false arrest and police false statements concerning the circumstances of the arrest, and conversion of property, as well as violations of his First, Fourth, Fifth, Eighth, and Fourteenth Amendment Rights.

1.2 Plaintiff JACOB ERWIN is a single man residing primarily in the State of Washington, in THURSTON County within the Western District of Washington.

Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious prosecution based on the false arrest and police false statements concerning the circumstances of the arrest, as well as violations of his First, Fourth, Fifth, Eighth, and Fourteenth Amendment Rights.

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1 1.3 Plaintiff RYAN TOMPKINS is a single man residing primarily in the State of
2 Washington, in THURSTON County within the Western District of Washington.
3 Plaintiff was the victim of a false arrest, false imprisonment, excessive force, malicious
4 prosecution based on the false arrest and police false statements concerning the
5 circumstances of the arrest, as well as violations of his First, Fourth, Fifth, Eighth, and
6 Fourteenth Amendment Rights.

7 1.4 Defendant MATTHEW HYRA and JANE DOE HYRA constitute a marital
8 community under the laws of the State of Washington and upon belief reside in King
9 County within the Western District of Washington State. Upon belief, MATTHEW
10 HYRA is and was at the time of the injuries complained of in this complaint, an
11 employee and/or agent of the CITY OF SEATTLE, i.e. the SEATTLE POLICE
12 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

13 1.5 DETECTIVE STEVEN BALE and JANE DOE BALE constitute a marital
14 community under the laws of the State of Washington and upon belief reside in King
15 County within the Western District of Washington State. Upon knowledge and belief,
16 OFFICER STEVEN BALE is and was at the time of the injuries complained of in this
17 complaint, an employee and/or agent of the CITY OF SEATTLE, i.e. the SEATTLE
18 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of her
19 duties.

20 1.6 Defendant JOHN SKOMMESA and JANE DOE SKOMMESA constitute a
21 marital community under the laws of the State of Washington and upon belief reside in

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1 King County within the Western District of Washington State. Upon belief, JOHN
2 SKOMMESA is and was at the time of the injuries complained of in this complaint, an
3 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE
4 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

5 1.7 Defendant D.L. ROBERSON and JANE DOE ROBERSON constitute a
6 marital community under the laws of the State of Washington and upon belief reside in
7 King County within the Western District of Washington State. Upon belief, D.L.
8 ROBERSON is and was at the time of the injuries complained of in this complaint, an
9 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE
10 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

11 1.8 Defendant OFFICER AVERY and JANE DOE AVERY constitute a marital
12 community under the laws of the State of Washington and upon belief reside in King
13 County within the Western District of Washington State. Upon belief, OFFICER
14 AVERY is and was at the time of the injuries complained of in this complaint, an
15 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE
16 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

17 1.8 Defendant OFFICER GREELEY and JANE DOE GREELEY constitute a
18 marital community under the laws of the State of Washington and upon belief reside in
19 King County within the Western District of Washington State. Upon belief, OFFICER
20 GREELEY is and was at the time of the injuries complained of in this complaint, an

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1 employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE
2 DEPARTMENT (hereinafter identified as SPD) acting within the scope of his duties.

3
4 1.10 Defendant SERGEANT MARTIN and JANE DOE MARTIN constitute a
5 marital community under the laws of the State of Washington and upon belief reside in
6 King County within the Western District of Washington State. Upon belief,
7 SERGEANT MARTIN is and was at the time of the injuries complained of in this
8 complaint, an employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE
9 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of his
10 duties.

11 1.11 Defendant LIEUTENANT HAYES and JANE DOE HAYES constitute a
12 marital community under the laws of the State of Washington and upon belief reside in
13 King County within the Western District of Washington State. Upon belief,
14 LIEUTENANT HAYES is and was at the time of the injuries complained of in this
15 complaint, an employee and/or agent of the CITY OF SEATTLE i.e. the SEATTLE
16 POLICE DEPARTMENT (hereinafter identified as SPD) acting within the scope of his
17 duties.

18 1.12 Defendant R TOWNE and JANE DOE TOWNE constitute a marital
19 community under the laws of the State of Washington and upon belief reside in King
20 County within the Western District of Washington State. Upon belief, R TOWNE is
21 and was at the time of the injuries complained of in this complaint, an employee

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1 and/or agent of the CITY OF SEATTLE i.e. the SEATTLE POLICE DEPARTMENT
2 (hereinafter identified as SPD) acting within the scope of his duties.

3 1.13 DEFENDANT CITY OF SEATTLE is a government entity in KING
4 COUNTY governed and functioning under the laws of the State of Washington. It
5 employs the Officers of the SEATTLE POLICE DEPARTMENT listed above, and other
6 police officers whose identities are unknown, who were involved in investigation,
7 crowd control, and other functions at the demonstration at which Defendants were
8 arrested and participated in the detention, false arrest, false imprisonment, conversion
9 of Defendants' property and use of excessive and unnecessary force against Plaintiffs
10 and the resulting malicious prosecutions.

11 1.14 There are other persons, identities presently unknown to Plaintiff who
12 are, and were at all times mentioned herein, supervisors, incident commanders,
13 training, and/or disciplining officers, and/or decision-makers of the SEATTLE POLICE
14 DEPARTMENT, who acted in concert with the above named Defendants and who
15 devised or approved the police actions responding to the demonstration wherein
16 Plaintiffs was arrested and/or to Plaintiffs in particular and taken in the incident in
17 question thereto that is the subject of this action and in doing the things hereinafter
18 alleged, acted under color of state law as agents of the SEATTLE POLICE
19 DEPARTMENT and with that agency's full consent and approval.

20 1.15 Now, and at all times discussed herein, the Seattle Police Department was
21 directly involved and responsible for all training, supervision, and policies in crowd

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1 control of demonstrations for the SEATTLE POLICE DEPARTMENT and is on notice,
2 of long standing, of similar and other abuses by the SEATTLE POLICE
3 DEPARTMENT at demonstrations, without taking sufficient steps to resolve the
4 situation.

5 1.16. DOES 1-100 are, and were at all times mentioned herein, OFFICERS,
6 Supervisors, and the Incident Commander for this incident , Actors, Or Officials
7 Involved In the Planning, Creation, Development, training in the policies, and ion the
8 intelligence gathering and law enforcement at the demonstration in question, leading
9 to the false arrest, false imprisonment, and or use of force against Plaintiffs and the
10 violations of Plaintiffs' Constitutional Rights in the incident which is the subject of this
11 action, or Exercise Of Police Force and Control, and/or failing to discipline officers
12 thus tacitly encouraging this incident to occur employed against Plaintiffs in the
13 incident which is the subject of this action, and in committing the acts and omissions
14 herein alleged hereinafter alleged, acted under color of state law as agents of the
15 SEATTLE POLICE DEPARTMENT who came to the scene, and violated Plaintiff's
16 rights as discussed.

17 1.17 This action is brought pursuant to the First, Fourth, Fifth, Eighth, and
18 Fourteenth Amendments to the United States Constitution, Article 1, Section 5 and
19 Article 1, Section 7 of the Washington State Constitution, 42 U.S.C. 1983, 1988,
20 Revised Code of Washington Title 9, Chapter 62, Section 10(1), Washington State

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1 common law prohibiting assault, battery, intentional infliction of emotional distress,
2 false arrest and false imprisonment, and Washington common law negligence.

3 1.18 In August and September of 2007, the City of Seattle-City Clerk's office
4 was served by these Plaintiffs with Notices of Claims. The City has acknowledged the
5 claim, but otherwise has not responded in any way to the claim, and it has been more
6 than sixty days since the claims were filed.

7
8 **II. FACTS**

9 2.1 Plaintiffs had decided at the last minute, reluctantly to attend a
10 rally and march against the war in Iraq on October 5, 2006, a peaceful permitted
11 demonstration that took place in the City of Seattle.

12 2.2 Plaintiffs had planned no activities for that demonstration, had not
13 ever contemplated any illegal, violent, or disruptive activities of any sort, had no
14 intention of engaging in any illegal, violent, or disruptive activities of any sort, and
15 never did engage in any illegal, violent, or disruptive activities of any sort.

16 2.3 When they arrived at the scene of the demonstration in question at
17 Cal Anderson Park, they sat down some distance away and ate their lunch sitting on
18 the grass.

19 2.4 Plaintiff Brendan Dunn had actually brought a book and was reading
20 in the park.

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1 2.5 The three of them were reading, socializing, passing out some
2 political literature, and sharing a melon.

3 2.6 Plaintiffs had brought a red and black anarcho-syndicalist flag, on a
4 flimsy pole that could not possibly have been used as a weapon.

5 2.7 This flag was not a weapon and Plaintiffs never intended in any way
6 to use it as a weapon.

7 2.8 The flag belonged to Plaintiff Brendan Dunn and was being loosely
8 held by Plaintiff Jacob Erwin on his lap.

9 2.8 According to DEFENDANT Officer MATTHEW HYRA's police
10 report, he had gotten a "tip" from a member of Friends of Cal Anderson Park that she
11 had seen a posting on a website, by an unknown person, calling on un-named
12 Anarchists to take unspecified action, and he decided to act based on this chain of
13 hearsay.

14 2.9 As Plaintiffs were peacefully sitting on the grass eating their lunch,
15 Defendant Officer MATTHEW HYRA along with his partner Defendant Officer
16 STEVEN BALES rode up and high speed on their bicycles, and without saying
17 a word, HYRA yanked the flag out of Plaintiff Erwin's hands.

18 2.10 DEFENDANT Officer MATTHEW HYRA then ordered PLAINTIFF
19 JACOB ERWIN to go with him.

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1 2.11 When Plaintiff Erwin objected, Defendant HYRA repeated the order
2 and began walking away with the flag, flag in one hand and his bicycle in the
3 other.

4 2.12 A large crowd including Plaintiffs followed DEFENDANTS HYRA
5 and BALES as HYRA walked along, demanding to know why HYRA was taking
6 the flag and why Erwin had to go with him, HYRA offered no explanation; he
7 just kept repeating the order.

8 2.13 PLAINTIFF RYAN TOMPKINS then without blocking or interfering
9 with the officers in any way moved to face HYRA from an angle, walking
10 backwards to do so, and began taking pictures of HYRA marching away with
11 the flag.

12 2.14 HYRA then responded by taking his bicycle and slamming it into
13 Tompkins' leg.

14 2.15 When TOMPKINS objected, HYRA said "alright, that's it", put the
15 bicycle down on its kickstand, and roughly grabbed TOMPKINS, and
16 Defendants HYRA and BALES then threw Plaintiff TOMPKINS into a tree,
17 pinning another demonstrator's hand against the tree, and arrested him.

18 2.16 When Plaintiff Erwin objected to the arrest of TOMPKINS, Defendant
19 Officer BALES bent ERWIN's thumb back, and BALES and Defendant D.L.
20 ROBERSON arrested him, tackling him to the ground before handcuffing him.

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1 2.17 Defendants BALES and D.L. ROBERSON and other officers put
2 their knees into ERWIN'S back, causing further pain.

3 2.18 ROBERSON then lifted ERWIN by the handcuffs, causing great
4 pain to his shoulder, which got worse when he was forced to sit handcuffed in a
5 holding cell for hours at the King County Jail.

6 2.19 Defendant Officer JOHN SKOMMESA then proceeded to throw
7 PLAINTIFF DUNN to the ground; HYRA insisted that DUNN had assaulted him
8 from behind, even though HYRA admitted to never seeing DUNN.

9 2.20 When DUNN repeatedly asked DEFENDANT SKOMMESA what he
10 was being arrested for, SKOMMESA told him he didn't know.

11 2.21 The above named officers were physically assisted in these illegal
12 arrests by DEFENDANT Officers AVERY AND GREELEY and DEFENDANT
13 SERGEANT MARTIN.

14 2.22 All of these DEFENDANT OFFICERS AND SERGEANT used
15 unnecessary and excessive force against Plaintiffs.

16 2.23 All three Plaintiffs were taken to the King County Jail, where they
17 were required to post bail to be released.

18 2.24 Plaintiff ERWIN was held in solitary confinement in a disciplinary
19 cell for a period of time due to a 'bureaucratic mix-up'.

20 2.22 All of the above named officers participated in a common plan and
21 scheme to arrest Plaintiffs.

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1 2.24 These actions were ratified by supervising Defendants MARTIN,
2 HAYES, and TOWNES.

3 2.24 Plaintiffs violated no laws.

4 2.25 While Plaintiffs were in custody, DEFENDANT HYRA began
5 interrogating them about their political ideologies, as if their political ideologies
6 were themselves a crime, announced to Dispatch that he had arrested three
7 Anarchists, and informed them that they had been planning acts of violence
8 and that their flag was a 'symbol of violence'.

9 2.26 Plaintiffs ERWIN AND TOMPKINS were charged with Obstructing
10 an Officer and Resisting Arrest. Those charges were dismissed by the Seattle
11 Municipal Court hearing a Knapstad Motion to dismiss for lack of probable
12 cause; Judge Hightower dismissed the charges against them holding that they
13 had committed no obstruction, as DEFENDANT OFFICER HYRA was acting
14 illegally when he charged into the crowd and seized the flag, and that there was
15 no lawful police actions for them to obstruct, and they had not resisted a lawful
16 arrest.

17 2.27 PLAINTIFF DUNN was charged with Felony Assault 3 on an officer.
18 That charge was dismissed based on the prosecutor's motion in the interest of
19 justice based on the illegality of DEFENDANT HYRA's activity, and a finding
20 that there was no evidence that PLAINTIFF DUNN had assaulted DEFENDANT
21 HYRA or anyone else.

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1 2.28 In addition to their Constitutional and physical harm, Plaintiffs were
2 forced to obtain counsel to vindicate their rights.

3 2.29 To this day, Defendants have refused to return Plaintiffs' flag to
4 them.

5
6 **III. STATEMENT OF DAMAGES**
7

8 3.1 As a direct and proximate result of the intentional and/or negligent
9 acts of Defendants, Plaintiffs sustained deprivation of their First, Fourth, Fifth, Eighth,
10 and Fourteenth Amendment Rights, deprivation of liberty, pain and suffering, injury,
11 and emotional distress in an amount that will be established at trial.

12 3.2 As a further direct and proximate result of the intentional and/or
13 negligent acts of Defendants, Plaintiffs had to retain legal counsel to protect their
14 liberty and vindicate their rights in court at an amount to be established at trial and for
15 which they are entitled to be reimbursed.

16 3.3 As a further direct and proximate result of the intentional and
17 negligent acts of the Defendants, Plaintiffs underwent several hours of imprisonment
18 and then wrongful prosecution

19 3.4 Plaintiffs are entitled to compensation for the Constitutional and
20 personal harms Defendants inflicted on them, the targeting of them for their perceived

1 political ideology, and the chilling effect their actions had on the exercise of their First
2 Amendment Rights.

3 3.5 Plaintiffs are entitled to compensation for the bail they
4 were forced to post to end their false imprisonment.
5

6 **IV. CAUSE OF ACTIONS:**

7
8 **COUNT ONE**
9 **VIOLATION OF CIVIL RIGHTS**
10 **(TITLE 42 U.S.C. SECTION 1983)**
11 **(As To All Individual Defendants and DOES 1-25)**
12

13 4.1. Plaintiffs reallege and incorporate herein by reference the allegations set
14 forth in Paragraphs 1 through 3.5 of this complaint.

15 4.2. In committing the acts complained of herein, Defendants acted under
16 color of state law to deprive Plaintiffs as alleged herein, of certain constitutionally
17 protected rights including, but not limited to:

18 (a) The right not to be deprived of liberty without due process of law;

19 (b) The right to be free from invasion or interference with Plaintiffs' zone of
20 privacy;

21 (c) The right to equal protection of the law;

22 (d) The right to be free from unreasonable search and seizure;

23 (e) The right to be free from police use of excessive force;

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1 (f) The right to be free from discriminatory law enforcement;

2 (g) The right to be free from cruel and unusual punishment.

3 (h) The Rights to participate in a peaceful and lawful First Amendment exercise,
4 to Freely Express their political views, to display emblems of their political ideology
5 without fear of being targeting by law enforcement for it, to Petition the Government
6 for Redress of Grievances, to Freely Associate with and Assemble with others to do
7 so without fear of wrongful arrest for doing so.

8 (i) The right to be free from False Arrest, False Imprisonment, and Malicious
9 Prosecution, all in violation of their First, Fourth, Fifth, Eighth and Fourteenth
10 Amendment Rights.

11 4.3 In violating Plaintiffs' rights as delineated above, and other rights according
12 to proof, Defendants acted by provocative conduct, conversion of lawful property,
13 verbal threat and intimidation, use of force, unjustified arrest, false imprisonment, or
14 by ratifying personally the above listed conducts, and/or cruel and unusual punishment
15 for crimes Plaintiffs did not commit, Defendants acted to violate Plaintiff's rights under
16 the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution.

17 4.4 By knowingly providing false information to the prosecutors to ensure that
18 Plaintiffs were prosecuted, Defendants acted to maliciously prosecute Plaintiffs in
19 violation of Plaintiffs' Fifth and Sixth Amendment Rights.

20 4.5 DOES 1-25 are the other officers involved directly in the incident in
21 question.

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4.6 As a direct and proximate result of the violations of their Constitutional rights by Defendants, and each of them, Plaintiffs suffered general and special damages as alleged in this complaint.

4.7 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT TWO
Violation of Civil Rights
(Title 42 U.S.C. Section 1983)
(As To DEFENDANTS CITY OF SEATTLE, HAYES, TOWNE, and Does 1-100)

4.8 Plaintiffs reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 4.7 of this complaint.

4.9 At all times herein mentioned, Defendant HAYES acted in his official capacities as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT over Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN and failed to properly supervise, train, and discipline HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and in fact, ratified and approved their inappropriate, illegal, and tortious conduct and intentional acts to deprive Plaintiffs of their rights secured by the Constitution of the United States, including, but

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1 not limited to their rights under the First, Fourth, Fifth, Eighth, and 14th Amendments
2 to the U.S. Constitution.

3 4.10 At all times herein mentioned, Defendant TOWNES acted in his official
4 capacities as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT over
5 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and
6 MARTIN and failed to properly supervise, train, and discipline HYRA, BALES,
7 ROBERSON, SKOMMESA, AVERY, GREELEY, and in fact, ratified and approved
8 their inappropriate, illegal, and tortious conduct and intentional acts to deprive
9 Plaintiffs of their rights secured by the Constitution of the United States, including, but
10 not limited to their rights under the First, Fourth, Fifth, Eighth, and 14th Amendments
11 to the U.S. Constitution.

12
13 4.11 In committing the acts complained of herein and in their official and
14 individual capacities, Defendants HAYES and TOWNES acted with a design and
15 intention to deprive Plaintiffs of their rights secured by the Constitution of the United
16 States and acted with deliberate indifference to Plaintiffs' rights.

17 4.12 Defendants DOES 20-100 are supervisors and other officers at the
18 SEATTLE POLICE DEPARTMENT who acted specifically to ratify HYRA, BALES,
19 ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN's inappropriate, illegal,
20 and tortious conduct and intentional acts to deprive Plaintiffs of their rights secured by
21 the Constitution of the United States, including, but not limited to their rights under the

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1 First, Fourth, Fifth, Eighth, and 14th Amendments to the U.S. Constitution, and acted
2 with a design and intention to deprive Plaintiffs of their rights secured by the
3 Constitution of the United States and acted with deliberate indifference to Plaintiffs'
4 rights.

5 4.13 As a direct and proximate result of the acts complained of herein, Plaintiff
6 has suffered general and special damages as set forth in this complaint.

7 4.14 The conduct of Defendants was willful, malicious, oppressive, and/or
8 reckless, and was of such a nature that punitive damages should be imposed in an
9 amount commensurate with the wrongful acts alleged herein.

10 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

DUNN, ET AL V. HYRA, ET AL-COMPLAINT

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COUNT THREE
FALSE ARREST
(As to All Defendants)

4.15 Plaintiffs reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 4.14 of this complaint.

4.16. Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN, charged into a peaceful group, only seeking to exercise their First Amendment rights, attacked them, seized their property based on it being an emblem of their legal political ideology, and arrested them without cause or justification .

4.17 Defendants' seizure and arrest of Plaintiffs without probable cause or a warrant violated Plaintiffs' rights under the Washington State and U.S. Constitutions, and further resulted in the malicious prosecution which followed, and the harm caused thereby.

4.18. The conduct of Defendants was willful, malicious, oppressive and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts herein alleged.

4.19. As a direct and proximate result of the acts complained of herein, Plaintiffs have suffered general and special damages as set forth in this complaint.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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COUNT FOUR
FALSE IMPRISONMENT
(As to all Defendants)

4.20. Plaintiffs reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 4.19 of this complaint.

4.21. As a result of the false arrest by Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN detailed above, Plaintiffs were violently arrested and taken to and held in the King County Jail where they were interrogated as to their political ideology by Defendant HYRA and forced to post bail, without cause or justification, before being released.

4.22 Plaintiffs were unjustly deprived of liberty for that period and subjected to abuses therein.

4.23 As a further direct and proximate result of the false arrest and imprisonment of Plaintiffs, they suffered damages and injuries as heretofore alleged in this complaint.

4.24 The conduct of Defendants was willful, malicious, oppressive and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts herein alleged.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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COUNT FIVE
ASSAULT AND BATTERY
(As to All Defendants)

4.25 Plaintiff realleges and incorporates herein by reference the allegations set forth in Paragraphs 1 through 4.24 of this complaint.

4.26 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, and MARTIN's physical seizure and grabbing, beating, tackling, and dragging off of Plaintiffs, and other acts of physical and emotional brutality against Plaintiffs were done intentionally, without consent or lawful authority, or legitimate police purpose, and therefore constituted common law battery.

4.27 All of the above alleged tortious conduct caused Plaintiffs to reasonably fear additional imminent harm to their health and safety and additional tortious use of force. This fear constitutes a common law assault.

4.28 Defendants knew or reasonably should have known that they were and would inflict this reasonable fear on Plaintiffs.

4.29 As a direct and proximate result of the violation of his rights by Defendants, and of Defendants' tortious conduct towards Plaintiffs, Plaintiffs suffered general and special damages as alleged in this complaint.

4.30 The detention, arrest and the resulting physical and emotional abuse of Plaintiffs was directly and proximately caused by Supervising Defendants' training, supervision and failure to discipline and the conduct to which Plaintiffs were subjected.

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4.31 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT SIX
MALICIOUS PROSECUTION
(As to All Defendants)

4.32 Plaintiff realleges and incorporates herein by reference the allegations set forth in Paragraphs 1 through 4.31 of this complaint.

4.33 Defendants HYRA, BALES, ROBERSON, SKOMMESA, AVERY, GREELEY, MARTIN, HAYES, AND TOWNES falsely arrested Plaintiffs and submitted knowingly false statements concerning Plaintiffs' actions and knew or reasonably should have known that the statements concerning the supposed actions and intentions by Plaintiffs were false, and based on non-existent probable cause.

4.34 This false information resulting in lengthy prosecutions of Plaintiffs, with several court appearances that required them to miss work and disrupted their lives, before the charges were dismissed.

4.35 In fact, this false arrest and malicious prosecution continues to haunt Plaintiff Dunn's life in the form of false alert codes in police systems and records that have denied him entry into Canada causing ongoing harm.

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4.36 This malicious prosecution also forced Plaintiffs to hire private counsel and considerable expense to vindicate their rights.

4.37 As a direct and proximate result of the violation of his rights by Defendants, and of Defendants' tortious conduct towards Plaintiffs, Plaintiffs suffered general and special damages as alleged in this complaint.

4.38 The malicious prosecution of Plaintiffs was directly and proximately caused by supervising Defendants' training, supervision and failure to discipline and the conduct to which Plaintiffs were subjected.

4.39 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT SEVEN
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(As to All Defendants)

4.40 Plaintiffs reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 4.39 of this complaint.

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4.41 In carrying out the detention, arrest, physical and emotional abuse, and other acts alleged throughout this complaint, Defendants, and each of them sought to cause emotional distress and trauma to Plaintiffs, and Plaintiffs did suffer such emotional distress with accompanying physical symptoms.

4.42 As a direct and proximate result of the violation of their Constitutional rights by Defendants and their other tortious conduct against them, Plaintiffs suffered general and special damages as alleged in this complaint.

4.43 The acts of Defendants were extreme and outrageous and would be so seen by a reasonable person.

4.44 The conduct of Defendants was willful, malicious, oppressive, extreme and outrageous and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

COUNT EIGHT
NEGLIGENCE
(As to All Defendants)

4.45 Plaintiff realleges and incorporates herein by reference the allegations set forth in Paragraphs 1 through 4.42 of this complaint.

1 4.46 Defendants, and each of them, owed Plaintiffs a duty to use due care at
2 or about the times of the aforementioned incidents.

3 4.47 In committing the aforementioned acts and/or omissions, Defendants,
4 and each of them, negligently breached said duty to use due care, directly and
5 proximately resulting in the injuries and damages to the Plaintiff as alleged herein.

6 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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10 **COUNT NINE**
11 **CONVERSION**
12 **(As to All Defendants)**
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16 4.48 Plaintiff realleges and incorporates herein by reference the allegations
17 set forth in Paragraphs 1 through 4.47 of this complaint.

18 4.49 Defendants, and each of them, deliberately took Plaintiffs' property, a
19 flag with an emblem of their political ideology, without cause or justification.

20 4.50 Even though the cases are long over, Defendants have refused to return
21 that flag to Plaintiffs.

22 4.51 As a direct and proximate result of the violation of their rights by
23 Defendants and their other tortious conduct against them, Plaintiffs suffered general
24 and special damages as alleged in this complaint.

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4.52 The acts of Defendants were extreme and outrageous and would be so seen by a reasonable person.

4.53 The conduct of Defendants was willful, malicious, oppressive, extreme and outrageous and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs prays for relief as hereinafter set forth.

V. JURY TRIAL DEMAND

5.0 Plaintiff hereby demands a jury trial in this matter.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

1. For general damages including pain and suffering together with special damages for Plaintiffs reasonable and necessary legal expenses, bail, and medical expenses both past and future, the exact amount of which will be established at the time of trial;

2. For punitive damages in an amount to be proven at trial pursuant to Federal and State law:

3. For actual attorney's fees and litigation costs pursuant to 42 U.S.C. 1988;

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